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09/759,215	01/16/2001	Thomas W. Krause		1823

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EXAMINER

EHICHIOYA, FRED I

ART UNIT PAPER NUMBER

2162

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/759,215	Applicant(s) KRAUSE, THOMAS W.	
	Examiner Fred I. Ehichioya	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications filed January 21, 2005
2. Claims 1 – 22 are pending in this Office Action.

Response to Arguments

3. Examiner wishes to clarify that the Office Action dated October 21, 2004 was a Non-Final rejection contrary to applicant's statement on page 2 of the general remarks.
4. Since this Office Action is also Non-Final rejection, examiner wishes to introduce new references and withdraws all objected to claims.

Applicants argues:

(a) McDonald does not provide age-event information, as asserted in the O.A (page 4, paragraph 2).

(b) Nowlan does not teach "an event in the life of a second individual when a second individual was at an age equal to the age of said first individual" (page 5, paragraph 3).

Regarding argument (a), NETG teaches provide age-event information (see page 10: output signal comprising age-event information corresponding to said age information is "Rosa parks refused to give up her seat to a white passenger on a Montgomery bus").

Regarding argument (b), NETG teaches an event in the life of a second individual when a second individual was at an age equal to the age of said first individual (see page 10: Rosa Park is the celebrity. From Rosa Parks Biography, she was born February 4, 1913. Hence on February 4, 1997, the first individual will be exactly as old as Rosa Park when she refused to give up her seat to a white passenger on a Montgomery bus i.e. 42 years 6 months and 26 days old).

5. Applicant's arguments with respect to claims 1 - 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1 – 7, 14, 15, 18, 21 and 22 rejected under 35 U.S.C 102(e) as been anticipated by Non Patent Literature “Since you were born”, published by Saint Louis Zoological park on April 13, 1988, displayed at <http://www.whealth.org/exhibit/control/sinceborn/sinceborn.cgi> and created by NETG (hereinafter “NETG”).

Regarding claim 1, NETG teaches a computer-implemented method for providing a user with age-event information comprising:

- a) receiving an input signal (see page 9: the input signal is the birthdate entered. In this case the birthdate entered is “August 30, 1955”);
- b) determining age information from said input signal (see page 10: the age information determined is “Your birthdate is Tue 30-Aug-1955”); and
- c) providing an output signal comprising age-event information corresponding to said age information (see page 10: output signal comprising age-event information

corresponding to said age information is "Rosa parks refused to give up her seat to a white passenger on a Montgomery bus");

wherein said age information comprises the age of a first individual on a specific date and said age-event information comprises information regarding an event that occurred in the life of a second individual when said second individual was at an age equal to the age of said first individual on said specific data (see page 10: the first individual is exactly 18117 days when the second individual (Rosa Park) refused to give up her seat to a white passenger on a Montgomery bus).

Regarding claims 2, 15 and 22, NETG teaches wherein the input signal comprises a date (see page 9: the date of the input signal "August 30, 1955") and the output signal comprises a celebrity ageliner, wherein said celebrity ageliner names a celebrity and describes a historical event in the life of an individual that occurred when said individual was the age of said celebrity on said date (see page 10: Rosa Park is the celebrity. From Rosa Parks Biography, she was born February 4, 1913. Hence on February 4, 1997, the first individual will be exactly as old as Rosa Park when she refused to give up her seat to a white passenger on a Montgomery bus i.e. 42 years 6 months and 26 days old).

Regarding claim 3, NETG teaches the input signal comprises age information relating to a target individual, and the output signal comprises age-event information customized for said first individual, and the output signal includes a reference to said first individual (see Pages 9 and 10).

Regarding claim 4, NETG teaches wherein the output signal further comprises a date (see page 10).

Regarding claim 5, NETG teaches the input signal comprises a birthdate (see page 9).

Regarding claim 6, McDonald teaches said input signal represent an age (see page 10).

Regarding claim 7, McDonald teaches the output signal is obtained by using said age information to select corresponding age-event information from database (see pages 9 and 10).

Regarding claims 14 and 18, NETG teaches a computer system for providing age-event information, comprising:

computer processor means for processing data (see page 2, section 1, A, 9);

storage means for storing data on a storage medium (see page 2, section 1, A, 9)

means for receiving input (see page 9);

means for determining age information from said input (see page 2, section 1, A, 9 and page 10); and

means, responsive to said age-determining means, for outputting age-event information to a user (see page 2, section 1, A, 9 and page 10);

wherein said age information comprises the age of a first individual on a specific date and said age-event information comprises information regarding an event that occurred in the life of a second individual when said second individual was at an age equal to the age of said first individual on said specific data (see page 10: the first individual is exactly 18117 days when the second individual (Rosa Park) refused to give up her seat to a white passenger on a Montgomery bus).

Regarding claim 21, NETG teaches the computer-implemented method for providing a user with age-event information of claim 1, wherein the age information received in step a) is related to the age of a first individual (see page 9), and said method further comprises:

input signal comprising the name of second individual (see page 10: Rosa Park is the name of second individual that can be linked to Rosa Parks Biography).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 12, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over NETG in view of USPN 6,069,848 issued to Thomas B. McDonald et al (hereinafter "McDonald").

Regarding claims 8, 16 and 19, NETG does not explicitly teach generating a customized greeting for said first individual.

However, McDonald teaches the step of generating a customized greeting for said first individual, said greeting comprising age-event information (see column 8, lines 46 – 54).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because McDonald's teaching of "generating a customized greeting for said first individual, said greeting comprising age-event information" would have allowed NETG's system to provide a timepiece for measuring the elapsed time from a personal life time event, wherein the timepiece can be implemented in a wide variety of embodiments including a

watch, clock, personal organizer, computer screen saver and family tree as suggested by McDonald at column 2, lines 20 - 26.

Regarding claim 12, McDonald teaches the step of generating a life-chart for said first individual, wherein said life-chart comprises age-event information for at least two dates in the life of said first individual (see Fig.11 and column 9, lines 3 – 5).

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over NETG in view of USPN 5,031,161 issued to David Kendrick (hereinafter “Kendrick”).

Regarding claim 13, NETG does not explicitly teach the steps of generating a life-clock display for said first individual, wherein said life-clock display comprises a symbolic representation of the amount of life an individual has lived and the amount of life said first individual is expected to live before dying; and providing age-event information on said life-clock.

Kendrick teaches the steps of generating a life-clock display for said first individual, wherein said life-clock display comprises a symbolic representation of the amount of life an individual has lived and the amount of life said first individual is expected to live before dying (see Figs. 1 and 2; column 1, line 60 – column 2, line 4 and columns 4 – 6); and

providing age-event information on said life-clock (see fig.2).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Kendrick's teaching of "providing age-event information on said life-clock" would have allowed NETG's system to provide timepieces such as wrist watches and clocks and, more particularly, to a timepiece that displays the number of minutes, days and years remaining in a person's life based on actuarial data as suggested by Kendrick at column 1, lines 5 - 10.

10. Claims 9, 10, 11, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over NETG in view of USPN 5,983,200 issued to Benjamin Slotznick (hereinafter "Slotznick").

Regarding claim 9, NETG does not explicitly teach the customized greeting is an electronic greeting card.

Slotznick teaches the customized greeting is an electronic greeting card (see column 1, lines 38 - 42).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Slotznick's teaching of "customized greeting is an electronic greeting card" would have allowed NETG's system to reproduce information itself or in material objects, here and now, or in the future, at a point of sale, or when the information originates either at the

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point of sale, or at a different place or at a different time or times as suggested by Slotznick at column 3, lines 7 -11.

Regarding claim 10, Slotznick teaches the customized greeting is a greeting card produced at an automated greeting card kiosk (see column 1, lines 39 – 45).

Regarding claims 11, 17 and 20, Slotznick teaches the step of generating a customized calendar for the target individual (see Fig.5 step 95 and column 22, lines 23 – 28).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya
Patent Examiner
Art Unit 2162

April 6, 2005


SHAHID ALAM
PRIMARY EXAMINER